

Minutes of the Planning Commission Regular Meeting of Tuesday, April 4, 2017
Planning Commission, Council Chambers, One Twin Pines Lane, Belmont, CA

ROLL CALL 7:00 P.M.

Planning Commission members Present: Simpson, Goldfarb, Mates, McCune, Meola, Majeski
Planning Commission members Absent: Hendrix

Staff Present: Community Development Director de Melo, City Attorney Rennie, Principal Planner DiDonato, Senior Planner Gil, Executive Assistant Plut

PLEDGE OF ALLEGIANCE

Led by Community Development Director de Melo

COMMUNITY FORUM ON ITEMS NOT ON THE AGENDA

No speakers.

COMMISSIONER ANNOUNCEMENTS / AGENDA AMENDMENTS

City Council Meeting of April 11, 2017 cancelled. Next meeting scheduled on April 25, 2017.
Commission Liaison will be Goldfarb.

SELECTION OF COMMISSION CHAIR AND VICE CHAIR

Current Chair McCune nominated Commissioner Mates for Commission Chair 2017-2018,
Seconded by Vice Commissioner Goldfarb.

ACTION: by a unanimous show of hands Commissioner Mates is elected Commission Chair 2017-18.

Commissioner Simpson nominated Commissioner Goldfarb for Commission Vice Chair 2017-18,
Seconded by Commissioner Majeski.

ACTION: by a unanimous show of hands Commissioner Goldfarb is elected Commission Chair 2017-18.

CONSENT CALENDAR

Items on the Consent Calendar; action was taken separately for each item.

ACTION: Motion by Commissioner Goldfarb to approve Draft Planning Commission Meeting Minutes of January 3, 2017, seconded by Commissioner Majeski.

PASSED: 4/2/1 (Meola, Mates abstain, Hendrix absent)

ACTION: Motion by Commissioner Goldfarb, seconded by Commissioner Mates to approve Draft Planning Commission Meeting Minutes of February 21, 2017.

PASSED: 4/2/1 (Meola, Majeski abstain, Hendrix absent)

PUBLIC HEARINGS

1919 OAK KNOLL DRIVE - SINGLE FAMILY DESIGN REVIEW TO CONSTRUCT A NEW 3,438 SQUARE FOOT SINGLE-FAMILY RESIDENCE FOR THE SITE (3,500 SQ. FT. MAXIMUM BUILDING SIZE PERMITTED) (APPL. NO. PA2016-0062) APN: 044-172-510

Chair Mates polled the Commission for ex-parte communications regarding the project, Commissioners indicated that site visits were made but no ex-parte communications were made.

Senior Planner Gill summarized the staff report, outlined the project and stated that it is well designed and is in compliance with the Residential Guidelines and Residential Design Criteria. Staff recommended approval of the project.

MacDonald Bean, applicant, spoke in regards to the Public Works requirement for sidewalks for the proposed project. He noted that the requirement will deter from the ambiance of the neighborhood.

Chair Mates opened the Public Hearing, no speaking slips were presented but several people came forward to speak in favor of the project without the sidewalk requirement.

Will Markle, John Sunday, Paul Malfatti, Mark Grey and Demetrios Skourtis came forward to speak.

In response to Commission questions, City Attorney Rennie clarified that an applicant can appeal and request an informal hearing with the Planning Commission regarding sidewalk requirements. He noted that a request had not been made prior to this evening and concluded that procedurally it is improper for the Commission to address the issue before the request is made to the Public Works Department.

In response to Chair Mates, City Attorney Rennie explained that the Commission can approve the project as proposed with the condition as proposed and add a component to encourage the applicant to work with the Public Works Department on the sidewalk issue. He noted that the applicant can make a formal appeal to the Council. He added that the requirement is pursuant to the City's Complete Street Policy as it is currently written.

Discussion ensued regarding the applicant's options regarding the Public Works Department sidewalk requirement.

Chair Mates Closed the Public Hearing.

Commission deliberation concluded that the project is well articulated and the findings can be made and recommended the applicant pursue options in regards to the sidewalk requirements.

Community Development Director de Melo, noted that the Commission's support of some reduction or elimination of the sidewalk requirement is duly noted in terms of the concerns raised. He explained the appeal process available to the applicant.

Discussion ensued regarding the applicant's options in resolving the sidewalk requirements with the Public Works Department.

City Attorney Rennie recommended the Commission continue the item to a date certain and the applicant utilize the time for discussion with the Public Works Department.

The Commission concurred to continue this item to a date certain April 18, 2017.

ACTION: On A Motion by Commissioner Majeski, Seconded by Commissioner Simpson Continuing A Single Family Design Review At 1919 Oak Knoll Drive (Appl. No. PA2016-0062) to a date certain - April 18, 2017.

Passed 6/1 (Hendrix absent)

BELMONT ZONING ("BZO") AND CITY CODE AMENDMENTS - TO CONSIDER AMENDMENTS TO SECTIONS 24 (SECONDARY DWELLING UNIT), 2 (DEFINITIONS), 4 (RESIDENTIAL), 8 (PARKING), AND 9 (GENERAL REGULATIONS), TO ALLOW MODIFICATIONS TO THE STANDARDS FOR ACCESSORY DWELLING UNITS (ADUS) IN COMPLIANCE WITH STATE LAW. APPLICATION NO. 2017-0009

Principal Planner DiDonato explained that the City modified its requirements for second dwelling units (ADU's) in September 2016. Concurrently the State made significant changes to the ADU law, which became effective January 1, 2017 and deemed Belmont's ordinance null and void. He noted that in February 2017, the City Council directed staff to prepare a City Ordinance with specific exclusions and inclusions in terms of discretion in the ordinance. He explained that the proposed ordinance language would include required state measures and the included discretionary measures. He listed the recommended discretionary measures.

Principal Planner DiDonato concluded that the amendments discussed in this staff report achieve the objectives of the Zoning Plan and General Plan for the City; he explained that the proposed amendments are consistent with standards and intent of State Law; the amendments promote creation of second units and remove barriers towards creation of ADU's. Staff recommended adoption of the resolution recommending this position to the City Council.

Principal Planner DiDonato requested Commission input on the size limitation of accessory dwelling units pertaining to height and setbacks.

Commission discussion ensued regarding the amendments to ADU's.

In response to the Commission, Principal Planner DiDonato explained the data was examined pertaining to short term rentals (AIRBNB, VRBO) during a peak season; he also noted that the number is low and no specific complaints have been received.

Chair Mates opened the Public Hearing.

Jennifer Lien, Belmont Resident, spoke in regards to the proposed size of Accessory Dwelling Units and parking.

Ken Lien, Belmont resident, spoke in regards to the proposed size of Accessory Dwelling Units and parking.

Birgit Merian, Belmont resident, spoke in regards to ADU's as short term rentals and parking requirements.

City Attorney Rennie noted that in order to avoid confusion of the State law, he recommended studying the amended government code section which is the compilation of the two bills passed by the House and Senate to understand the new law and avoid confusion.

Chair Mates closed the Public Hearing.

Commissioners provided recommendations on the size limitation of accessory dwelling units, height of accessory dwelling units constructed atop of detached dwellings/garages, non-habitable buildings in front of the main unit, owner occupancy, short term rentals and parking requirements.

ACTION: On A Motion Made by Commissioner Majeski, Seconded by Commissioner McCune Recommending the City Council Amend Sections 24 (*Secondary Dwelling Unit*) 2 (*Definitions*), 4 (*Residential*), 8 (*Parking*), and 9 (*General Regulations*) Of Belmont Zoning Ordinance Number 360, To Allow Modifications to the Standards for Accessory Dwelling Units In Compliance With State Law.

Passed 6/1 (Hendrix absent)

Resolution 2017-

OTHER BUSINESS / UPDATES

Community Development Director De Melo reported that the April 11th Council meeting is cancelled. He reported that the Clear Channel electronic billboard is operational and the City is deriving revenue from the sign as of April 1st.

ADJOURNMENT at this time being 9:30 P.M to a regular meeting of the Planning Commission to be held on April 18, 2017.

Jozi Plut
Executive Assistant

Meeting televised and web streamed.